

## **REMARKS**

Applicants respectfully request reconsideration of the present case in view of the above amendments and the following remarks. Claims 1-42 and 46 are currently pending.

### **35 U.S.C. § 103**

Claims 1, 2, 24, 27-28, 33-35, 40, 42 and 46 were rejected under 35 U.S.C. § 103(a) over El-Malki et al. (US 6,947,401) in view of Rueda (US 2002/0112076). Applicants respectfully traverse this rejection.

El-Malki discloses “methods and apparatus for providing a hierarchical mobility management function for routing packets to mobile nodes.” See abstract. The portion of El-Malki referred to by the Examiner with respect to claim 1 describes that:

“After the mobile node registers its new care-of address with home agent 145, the home agent is able to serve as a proxy for mobile node 105. Accordingly, IP data packets from correspondent node 155 which are addressed to the mobile node 105 (i.e., the mobile terminal's home address) will be intercepted by the home agent 145. The home agent 145 then encapsulates the IP data packet so that the destination address reflects the mobile terminal's care-of address, i.e., the address of foreign agent 120. The data packet is then sent from the home agent 145 to the foreign agent 120. When the IP data packet arrives at foreign agent 120, the IP data packet is retransformed or de-capsulated by stripping away the external IP header so that the mobile node's home address once again appears as the destination address. The IP data packet can then be delivered to the mobile node, wherein the data contained therein can be processed by the appropriate higher level protocols (e.g., TCP or UDP), as one skilled in the art will readily appreciate.” See El-Malki, col. 2, lines 3-21.

However, Applicants point out that El-Malki fails to teach or suggest “using a source packet driver to **aggregate the intercepted IP packets** from the source application” as required by claim 1. Nowhere does El-Malki teach or suggest such packet aggregation. Similarly, claim 1 also requires “using a destination packet driver to disaggregate the transported aggregated packets”. Logically, as El-Malki does not teach or suggest packet aggregation, it similarly fails to teach or suggest packet disaggregation. Similar to claim 1, claim 42 also requires “using a packet driver to encapsulate the IP packet into a packet driver message, to **aggregate packet driver messages**”. Likewise, claim 46 requires “**aggregating packet driver messages**”. As such, El-Malki fails to teach or suggest these features of claims 1, 42, and 46.

Applicants further point out that “the proposed modification cannot render the prior art unsatisfactory for its intended purpose”. See MPEP § 2143.01 (V). In this regard, Applicants point out that packet aggregation would render El-Malki unsatisfactory for its intended purpose. For example, in the context of mobile nodes (i.e., mobile terminals which frequently change their point-of-attachment to the Internet) which is the focus of El-Malki, aggregating packets would hinder various applications of the technology. With regard to intended purpose, El-Malki states that:

“One application of the present invention is achieving fast handoffs. Fast handoffs address the need to achieve near seamless mobile IP handoffs when a mobile node changes its care-of-address. In accordance with exemplary embodiments of the present invention fast handoffs are achieved by multicasting packets to anticipate the mobile node’s movement and to speed up handoffs by sending a copy of the data to the location which the mobile node is moving into.” See El-Malki, col. 12, line 9.

However, packet aggregation would render processes like multicasting packets less bandwidth efficient and slower thereby fundamentally frustrating the purpose of fast handoffs and rendering the invention of El-Malki unfit for its intended purpose.

Rueda fails to cure the deficiencies of El-Malki. Rueda’s invention describes a system of Internet Protocol based computer network services that provide client-side access to server-side services, without the need for installing proprietary software on the client computer. Rueda

specifically states that this is different from a conventional Internet Protocol-based network in which connected computers must be configured specifically for that network to access Internet Protocol-based services or to have custom applications running on them to allow this access. See abstract.

Claim 1 requires “using a source packet interceptor to intercept an IP packet from a source application, the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted.” The Examiner asserts that Rueda discloses “the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted”. The Examiner refers to paragraph [0140] of Rueda. That paragraph is as follows:

“The TCP/IP protocol stack at the System server will send a packet to the System NDIS Intermediate Driver with an Ethernet address equal to client (B)'s MAC address (00:55:44:33:22:11) since the ARP table happens to have client (B)'s entry listed first. However, once the System NDIS Intermediate Driver **intercepts the packet** from the transport driver it does a lookup in DestAddrPool using the destination IP address and destination TCP/UDP port number of the received packet to determine if the source IP address of the packet needs to be changed to equal the IP address which the client was expecting to hear back from. In addition to retrieving the destination IP address from DestAddrPool at this point, the Ethernet address can also be retrieved. The System NDIS Intermediate Driver then simply replaces the destination Ethernet address of the packet received with the source Ethernet address retrieved from DestAddrPool for this connection (client (A)'s MAC address: 00:11:22:33:44:55). The Ethernet frame will now be sent on to the correct client (A) regardless of the confusion introduced by the ARP lookup.” See paragraph [0140].

In other words, the NDIS Intermediate Driver of Rueda intercepts all packets and then “does a lookup in DestAddrPool using the destination IP address and destination TCP/UDP port number of the received packet to determine if the source IP address of the packet needs to be changed to equal the IP address which the client was expecting to hear back from”. As such,

Rueda actually discloses nothing regarding selectively intercepting packets. In fact, if Rueda only selectively intercepted packets, then some of the packets would not be sent on to the correct client because of the confusion introduced by the ARP lookup. This would be counter to the purpose of Rueda, which is a system “that when installed, allows connected computers access Internet Protocol-based services if they are configured for any Internet Protocol-based network”. See abstract. In this regard, Applicants again point out that “the proposed modification cannot render the prior art unsatisfactory for its intended purpose”. See MPEP § 2143.01 (V). In this case, if the operation of Rueda were modified in order to satisfy the limitations of the pending claims it would be rendered unsatisfactory for its intended purpose.

For at least these reasons, the inventions of claim 1, 42, and 46 are not taught or suggested by the combination of El-Malki and Rueda. As claims 2, 24, 27-29, 31-37, and 41 are dependent on claim 1 they are also not taught or suggested by the combination of El-Malki and Rueda.

Claims 29, 31, 32, 36, 37 and 41 were rejected under 35 U.S.C. § 103(a) over El-Malki et al. (US 6,947,401) in view of Rueda (US 2002/0112076) and further in view of Ando (US 2002/0044556). Applicants respectfully traverse this rejection.

As described above, the combination of El-Malki in view of Rueda fails to teach or suggest the invention of claim 1. Specifically, the combination of El-Malki in view of Rueda fails to teach or suggest “using a source packet driver to aggregate the intercepted IP packets from the source application” as required by claim 1. Further, the combination of El-Malki in view of Rueda fails to teach or suggest “using a source packet interceptor to intercept an IP packet from a source application, the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1.

Ando fails to cure the deficiencies of El-Malki in view of Rueda. Specifically, the combination of El-Malki in view of Rueda and Ando fails to teach or suggest “using a source packet driver to aggregate the intercepted IP packets from the source application” as required by claim 1. Further, the combination of El-Malki in view of Rueda and Ando fails to teach or

suggest “using a source packet interceptor to intercept an IP packet from a source application, the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1. As claims 29, 31, 32, 36, 37 and 41 are dependent on claim 1, they are also not taught or suggested by El-Malki in view of Rueda and Ando. Applicants respectfully request that this rejection be withdrawn.

Claims 4, 5 and 25 were rejected under 35 U.S.C. § 103(a) over El-Malki et al. (US 6,947,401) in view of Rueda (US 2002/0112076) and further in view of Yan (US 2005/000018651). Applicants respectfully traverse this rejection.

As described above, the combination of El-Malki in view of Rueda fails to teach or suggest the invention of claim 1. Specifically, the combination of El-Malki in view of Rueda fails to teach or suggest “using a source packet driver to aggregate the intercepted IP packets from the source application” as required by claim 1. Further, the combination of El-Malki in view of Rueda fails to teach or suggest “using a source packet interceptor to intercept an IP packet from a source application, the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1.

Yan fails to cure the deficiencies of El-Malki in view of Rueda. Specifically, the combination of El-Malki in view of Rueda and Yan fails to teach or suggest “using a source packet driver to aggregate the intercepted IP packets from the source application” as required by claim 1. Further, the combination of El-Malki in view of Rueda and Yan fails to teach or suggest “using a source packet interceptor to intercept an IP packet from a source application, the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1. As claims 4, 5, and 25 are dependent on claim 1, they are also not taught or suggested by El-Malki in view of Rueda and Yan. Applicants respectfully request that this rejection be withdrawn.

Claims 7-15, 17-22 and 30 were rejected under 35 U.S.C. § 103(a) over El-Malki et al. (US 6,947,401) and Rueda (US 2002/0112076) and further in view of Chapman (US 6,643,292). Applicants respectfully traverse this rejection.

As described above, the combination of El-Malki in view of Rueda fails to teach or suggest the invention of claim 1. Specifically, the combination of El-Malki in view of Rueda fails to teach or suggest “using a source packet driver to aggregate the intercepted IP packets from the source application” as required by claim 1. Further, the combination of El-Malki in view of Rueda fails to teach or suggest “using a source packet interceptor to intercept an IP packet from a source application, the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1.

Chapman fails to cure the deficiencies of El-Malki in view of Rueda. Specifically, the combination of El-Malki in view of Rueda and Chapman fails to teach or suggest “using a source packet driver to aggregate the intercepted IP packets from the source application” as required by claim 1. Further, the combination of El-Malki in view of Rueda and Chapman fails to teach or suggest “using a source packet interceptor to intercept an IP packet from a source application, the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1. As claims 7-15, 17-22 and 30 are dependent on claim 1, they are also not taught or suggested by El-Malki in view of Rueda and Chapman. Applicants respectfully request that this rejection be withdrawn.

Claim 23 was rejected under 35 U.S.C. § 103(a) over El-Malki et al. (US 6,947,401) and Rueda (US 2002/0112076) and Chapman (US 6,643,292) and further in view of Itoh (US 2002/0194361). Applicants respectfully traverse this rejection.

As described above, the combination of El-Malki in view of Rueda fails to teach or suggest the invention of claim 1. Specifically, the combination of El-Malki in view of Rueda fails to teach or suggest “using a source packet driver to aggregate the intercepted IP packets from the source application” as required by claim 1. Further, the combination of El-Malki in

view of Rueda fails to teach or suggest “using a source packet interceptor to intercept an IP packet from a source application, the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1.

Chapman and Itoh fail to cure the deficiencies of El-Malki in view of Rueda. As such, the combination of El-Malki, Rueda, Chapman, and Itoh fails to teach or suggest “using a source packet driver to aggregate the intercepted IP packets from the source application” as required by claim 1. Further, the combination of El-Malki in view of Rueda, Chapman, and Itoh fails to teach or suggest “using a source packet interceptor to intercept an IP packet from a source application, the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1. As claim 23 is dependent on claim 1, they are also not taught or suggested by El-Malki in view of Rueda, Chapman, and Itoh. Applicants respectfully request that this rejection be withdrawn.

Itoh fails to cure the deficiencies of El-Malki, Rueda, and Chapman. Applicants respectfully request that this rejection be withdrawn.

Claims 38 and 39 were rejected under 35 U.S.C. § 103(a) over El-Malki et al. (US 6,947,401) and Rueda (US 2002/0112076) and further in view of Itoh (US 2002/0194361). Applicants respectfully traverse this rejection.

As described above, the combination of El-Malki in view of Rueda fails to teach or suggest the invention of claim 1. Specifically, the combination of El-Malki in view of Rueda fails to teach or suggest “using a source packet driver to aggregate the intercepted IP packets from the source application” as required by claim 1. Further, the combination of El-Malki in view of Rueda fails to teach or suggest “using a source packet interceptor to intercept an IP packet from a source application, the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1.

Itoh fails to cure the deficiencies of El-Malki and Rueda. As such, the combination of El-Malki, Rueda, and Itoh fails to teach or suggest “using a source packet driver to aggregate the

intercepted IP packets from the source application” as required by claim 1. Further, the combination of El-Malki in view of Rueda, and Itoh fails to teach or suggest “using a source packet interceptor to intercept an IP packet from a source application, the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1. As claims 38 and 39 are dependent on claim 1, they are also not taught or suggested by El-Malki in view of Rueda, and Itoh. Applicants respectfully request that this rejection be withdrawn.

### Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Please charge any additional fees or credit any overpayments to Deposit Account No. 50-3688 which may have been overlooked with regard to this filing.

Respectfully submitted,

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